

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA  
CIVIL MINUTES - GENERAL**

Phoenix Division

**CV-15-01132-PHX-NVW**

DATE: 11/14/2017

Austin Flake, et al  
Plaintiffs

vs.

Joseph M. Arpaio, et al  
Defendants

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HON: Senior Judge Neil V. Wake

Rebekka Walder      Laurie Adams  
Deputy Clerk      Court Reporter

**APPEARANCES:**

Stephen Montoya and Richard Trujillo on behalf of Plaintiffs  
Evan Hiller and Jeffrey Leonard on behalf of Defendants

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**PROCEEDINGS:**     X   **Open Court**          **Chambers**          **Other**

Matter comes before the Court for Final Pretrial Conference.

Defense counsel argues their Motions in Limine, (Doc. 144). Motion in limine No. 1 is DENIED. Motion in limine No. 2 is DENIED to the extent it seeks to exclude any evidence that would otherwise be probative of issues or chains of relevance in this case. Motion in limine No. 3 is DENIED as moot in light of Plaintiffs' intention not to offer the Grand Jury transcript except as possible impeachment. Motion in limine No. 4 is DENIED except that Plaintiff is limited to his commitment to addressing the alleged inadequacy of the investigation report from the substance of the expert report and the SRP records. In regards to motion in limine No. 5, the Court is satisfied that the testimony of Tom Stone, Wayne Wisdom, and Melinda Merck is opinion testimony, and will be excluded for failure to be disclosed in compliance with Rule 26. As to motion in limine No. 6, inquiry as to what Mr. Arpaio learned from *Lovejoy v. Arpaio* is not admissible under Rule 404 and is therefore excluded. As to *Melendres v. Arpaio*, the Court will limit discussions on this matter to the cross-examination and the collateral proof in the form of appropriate submissions of the court order itself, but not other extrinsic evidence.

Final Pretrial Conference is continued to **November 16, 2017 at 1:45 p.m.**

FPTC: 1 hr 48 mins  
Start: 1:50 PM  
Stop: 3:38 PM